



9200/BAC
2141
#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	VOOIS et al.	Examiner:	Baugh, April L.
Serial No.:	09/597,704	Group Art Unit:	2141
Filed:	June 16, 2000	Docket No.:	8X8S.249PA
Title:	COMMUNICATIONS CONTROLLER AND METHOD THEREFOR		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on April 23, 2004.

4/27/2004

By:

Kelly S. Waltigney
Kelly S. Waltigney

**Petition Under 37 C.F.R. § 1.181 (MPEP § 711.03(c))
To Withdraw Holding Of Abandonment**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAY 05 2004
Technology Center 2100

Dear Sir:

Applicant respectfully requests withdrawal of the holding of abandonment in patent application serial no. 09/597,704. Though no fees should be incurred in view of the following evidence and facts which support this request, authorization is given to charge/credit Deposit Account 50-0996 (8X8S.249PA) as required for entry of this Petition.

Applicant has recently received a Notice of Abandonment dated April 15, 2004 (Exhibit A). Applicant's representative (the undersigned) has carefully reviewed the aforementioned communication, and must respectfully conclude that it was issued in error, based on the points of contention which are resolved as follows:

FACTS & BACKGROUND

1) The Notice of Abandonment alleges that a Response to non-final Office Action dated 11 August 2003 was not timely submitted to the U.S. Patent & Trademark Office. The Notice continuation sheet also concludes that a facsimile confirmation was not received in this matter.

2) A Response to non-final Office Action was timely filed by facsimile to Group 2100 non-final Paper entry no. (703-746-7239) on November 11, 2003, with executed certificate of transmission under 37 CFR § 1.8 and with receipt of a facsimile confirmation indicating the USPTO as recipient of said transmission. A true and accurate copy of the original facsimile

filing is attached as Exhibit B; and is further attested to in the “Statement by Kelly S. Waltigney,” which concludes this submission.

3) Continuation Sheet of Notice of Abandonment concludes erroneously that the facsimile number (703) 746-7239 is “neither the examiner’s right-fax number nor centralized fax number; therefore the examiner [could] never [have] received this response.”

4) Facsimile No. 703 746-7239 was the official Tech Center 2100 transmission number on the date of the Response filing 11/11/2003. A copy of the USPTO Notice of Official Facsimile Numbers for the transmission date is attached, with the TC2100 before final-number highlighted (Exhibit C).

5) The PTO transition to a Centralized Facsimile Number to facilitate the Image File Wrapper System was not in effect until December 1, 2003, after the date of the Response filing. A copy of the PTO Notice-Centralized Facsimile Transmission Requirements--is attached, with these particulars highlighted (Exhibit D). The undersigned exercised caution in adhering to the advisement of the U.S.P.T.O. regarding the effective date for transition.

6) Following an interview with Examiner Baugh on 2/17/2004, the undersigned’s assistant and interviewee, Jennifer Larsen, twice resent by facsimile a duplicate copy of the Response Paper and its facsimile confirmation sheet 11-11-03, to the Central Facsimile Number now in effect (703) 872-9306. Attached please find two USPTO facsimile confirmations, dated 2-17-04 and 3-3-04 in this application (Exhibits E-F).

A postcard is submitted with this Petition filing, for our additional records.

It is believed that this petition is also timely presented under the Rules since Applicant is responding immediately after becoming aware that the case had been characterized as abandoned. In view of the above, Applicant respectfully requests that the holding of abandonment in patent application serial number 09/597,704 be withdrawn, and that the attached Office Action Response be considered as timely filed on November 11, 2003.

Please contact the undersigned attorney of record directly, should additional information or discussion lead to a resolution of this matter.

Respectfully submitted,

Crawford Maunu, PLLC
1270 Northland Drive, Suite 390
St. Paul, Minnesota 55120
651-686-6633

Date: April 26, 2004

By: 

Robert J. Crawford
Reg. No.: 32,122



STATEMENT BY KELLY S. WALTIGNEY

I, Kelly S. Waltigney, certify once more to the facsimile transmission of the Office Action Response (pages 1-6) on November 11, 2003 to Group 2100 non-final Facsimile No. (703) 746-7239, and duly attest to the true and accurate copy of the Office Action Response with facsimile confirmation attached to this present communication (Exhibit B), on behalf of Patent Application Serial No. 09/597,704 filed on June 16, 2000.

Dated: April 26, 2004

Signature: Kelly S. Waltigney
Kelly S. Waltigney

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Exhibit A



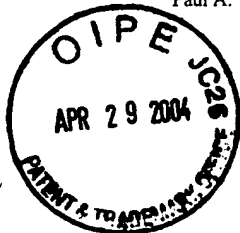
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,704	06/16/2000	Paul A. Voois	8X8S.249PA	3460

7590
Crawford PLLC
1270 Northland Drive
Suite 390
St Paul, MN 55120

04/15/2004



EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 04/15/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

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Technology Center 2100

Notice of Abandonment

Application No.

09/597,704

Examiner

April L Baugh

Applicant(s)

VOOIS ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 August 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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Technology Center 2100


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner called to verify whether a response to the non-final rejection mailed 8/11/03 was submitted on or before 2/11/03. Applicant claims to have mailed a response on 11/11/03 to fax number 703-746-7239 which is neither the examiner's right-fax number nor central fax number therefore the examiner never received this response. Applicant did verify that they did not have a receipt from the USPTO showing the submission of the alleged response on 11/11/03 therefore the case has gone abandoned..

HP LaserJet 3100
Printer/Fax/Copier/Scanner

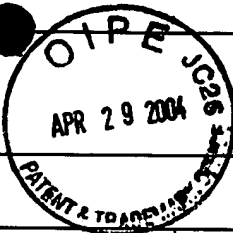


Exhibit B

SEND CONFIRMATION REPORT for
Crawford PLLC
651686 7111
Nov-11-03 5:06PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
995	11/11 5:04PM	1'50"	USPTO	Send.....	6/ 6	EC144	Completed.....
Total		1'50"	Pages Sent: 6	Pages Printed: 0			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: Voois *et al.* Examiner: Baugh, April L.
Serial No.: 09/597,704 Group Art Unit: 2141
Filed: June 16, 2000 Docket No.: 8X8S.249PA
Title: COMMUNICATIONS CONTROLLER AND METHOD THEREFOR

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being transmitted via facsimile, to the attention of Examiner Baugh, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 11, 2003.

By: *Kelly S. Arshagany*
Facsimile No.: 703-746-7239

OFFICE ACTION RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the non-final Office Action dated August 11, 2003, please consider the following remarks.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent Customers Advised to FAX Communications to USPTO

Related Notices < Patent Customers Advised to FAX

To our Patent Customers:

In view of delays in mail delivery in recent days, we at the USPTO would like to encourage you to communicate with the USPTO via facsimile. **Facsimile transmissions may be used for correspondence as set forth in 37 CFR 1.6 such as: amendments, petitions for extension of time, authorization to charge a deposit account, an IDS, terminal disclaimers, a notice of appeal, an appeal brief, CPAs under 37 CFR 1.53(d), and RCEs.**

PTO Form 2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality.

The USPTO has recently installed server software that enables us to automatically receive facsimile transmissions and route them to the appropriate groups. No special equipment is needed by our customers to use this system other than a regular facsimile machine. Each Technology Center has its own facsimile numbers associated with our server for Official replies to non-final Office actions and for Official replies to final Office actions. In addition, each Technology Center has a Customer Service Center on our server system and can answer any general application status questions you might have, can provide Examiner information and answer paper queries.

The following is a list of all Official Facsimile Numbers for the Technology Centers:

TC1600: Before Final: 703-872-9306 After Final: 703-872-9307 Customer Service: 703-872-9305	TC2800: Before Final: 703-872-9318 After Final: 703-872-9319 Customer Service: 703-872-9317
TC1700: Before Final: 703-872-9310 After Final: 703-872-9311 Customer Service: 703-872-9309	TC2900: Before Final: 703-872-9322 After Final: 703-872-9323 Customer Service: 703-872-9321
TC2100: Before Final: 703-746-7239 After Final: 703-746-7238 Customer Service: 703-746-7240	TC3600: Before Final: 703-872-9326 After Final: 703-872-9327 Customer Service: 703-872-9325
TC2600: Before Final: 703-872-9314 After Final: 703-872-9315 Customer Service: 703-872-9313	TC3700: Before Final: 703-872-9302 After Final: 703-872-9303 Customer Service: 703-872-9301

By using the Official Before Final and After-Final numbers, our server system will automatically generate a return receipt that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the received

CENTRALIZED DELIVERY AND FACSIMILE TRANSMISSION REQUIREMENTS FOR PATENT APPLICATION RELATED CORRESPONDENCE

Summary

To facilitate processing of correspondence into the Image File Wrapper (IFW) system, the United States Patent and Trademark Office (USPTO or Office) is revising its procedures to require that a single, centralized location be used for hand-carried and facsimile-transmitted patent application related incoming correspondence delivered to organizations reporting to the Commissioner of Patents (e.g., Technology Centers, the Office of Patent Publication, and the Office of Petitions). Most other offices as listed below will continue receiving hand-carried and facsimile-transmitted correspondence at the same locations and at the same facsimile numbers. The centralized location for hand-carried correspondence is the existing Customer Window. The centralized facsimile number is **(703) 872-9306**. The changes are effective December 1, 2003.

Background

The Office is in the process of implementing an electronic image capture system to replace the standard paper processing of patent applications. Documents formerly placed in the paper file wrapper of pending patent applications (including the specification, oath or declaration, drawings, references, amendments, Office actions, foreign patent documents and non-patent literature of information disclosure statements and file jacket notations) are being electronically scanned and loaded into the Image File Wrapper (IFW) system. Once documents are loaded into the IFW system, examiners, technical support staff, other USPTO staff, and contractors will perform further processing and examination using the IFW system. *See Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in Electronic Form*, 1271 Off. Gaz. Pat. Office 100 (June 17, 2003).

PART 1. Central Delivery of Hand-Carried Patent Application Related Papers

A. CUSTOMER WINDOW

To effect a smooth transition into the IFW environment, the Office is requiring the use of the Customer Window for all hand-carried patent application related correspondence. This location will be equipped to perform the necessary sorting and routing of submissions for either electronic or paper processing.

The Customer Window is located at:

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
644	2/17 3:13PM	4'54"	USPTO	Send.....	8 / 8	EC 96	Completed.....
Total		4'54"	Pages Sent: 8		Pages Printed: 0		

CRAWFORD MAUNU PLLC
Attorneys at Law
1270 Northland Drive, Suite 390
St. Paul, Minnesota 55120
651-686-6633 • fax 651-686-7111

FACSIMILE

DATE: February 17, 2004 SERIAL NO. 09/597,704
TO: Central Fax EXAMINER: Jennifer L. Larson
(April Baugh) on behalf of
FAX NO.: 703-872-9306 DOCKET NO. Robert J. Crawford
PHONE NO.: 703-305-5317 8x8S.249PA

NO. OF PAGES 8
(w/ cover sheet):

DOCUMENT ATTACHED:

Office Action Response (originally faxed 11-11-03)

NOTICE OF CONFIDENTIALITY AND
ATTORNEY-CLIENT PRIVILEGED/WORK PRODUCT INFORMATION

This memorandum and the transmission it accompanies contain confidential information. The attorney-client privilege and the attorney work-product doctrines may protect this confidential information. This confidential information is to be reviewed only by the addressee identified above. If you have received this transmission in error, you are instructed to destroy all pages immediately and to call the sender at the telephone number indicated above.

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
775	3/ 3 10:21AM	2'34"	USPTO	Send.....	9/ 9	EC144	Completed.....

Total 2'34" Pages Sent: 9 Pages Printed: 0

FORMAL ENTRY

CRAWFORD MAUNU PLLC
Attorneys at Law
1270 Northland Drive, Suite 390
St. Paul, Minnesota 55120
651-686-6633 • fax 651-686-7111

FACSIMILE

DATE: March 3, 2004 SER. NO.: 09/597,704
ATTN: Central Fax FROM: Jennifer L. Larson
ATTN: Examiner for
April Baugh Robert J. Crawford
FAX NO.: 703-872-9306 DOCKET NO. 8X8S.249PA
PHONE NO.: 703-305-5317
NO. OF PAGES 1 of 9 SUBJECT: Office Action
(w/ cover sheet): Response

Document Attached:

Office Action Response (originally faxed 11-11-03, re-faxed 2-17-04)

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ATTORNEY-CLIENT PRIVILEGED/WORK PRODUCT INFORMATION

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